
Los Angeles Regional Water Quality Control Board

Notice of Public Meeting 651st Regular Board Meeting

February 17, 2022
9:00 a.m.

No Physical Meeting Location

(Authorized by Government Code section 11133
and Executive Order [N-1-22](#))

If necessary, the Los Angeles Water Board will hold a meeting on February 17, 2022 to continue its consideration of, and deliberations on, the item listed in the February 10, 2022 Notice and Agenda as Item 13 ([Feb. 2022 Board Meeting Agenda \(ca.gov\)](#)), and listed herein as Item 3, Tentative Waste Discharge Requirements for the Boeing Company Santa Susana Field Laboratory, Canoga Park, CA. NPDES No. CA0001309 ("Tentative Boeing SSFL Permit").

Video and Teleconference Meeting Only During COVID-19 Emergency

As a result of the COVID-19 emergency and as authorized by Government Code section 11133 and Executive Order N-1-22, this meeting will occur solely by remote presence.

For those who only wish to watch the meeting the customary **English** webcast remains available at <https://cal-span.org/static/meetings-RWQCB-LA.php> and should be used **UNLESS** you intend to speak.

For those who only wish to watch the meeting with Spanish translation additional information about viewing the Spanish webcast via the remote meeting solution is available here:

https://www.waterboards.ca.gov/losangeles/board_info/remote_meeting/SpanishWebcast.pdf

For those who may comment or who may be asked to answer Board questions on Item 3, additional information about participating telephonically or via the remote meeting solution is available here: https://us02web.zoom.us/webinar/register/WN_mbnT3DRzRE-befAON8Ngmg

For those who wish to follow the Board meeting agenda on Twitter. The feed is available on the Board meeting day: <https://twitter.com/RWQCB4>

AGENDA

The Los Angeles Regional Water Quality Control Board (Los Angeles Water Board or Board) strives to conduct an accessible, orderly, and fair meeting. The Chair of the Board will conduct the meeting and establish appropriate rules and time limitations. Action items on the agenda are staff proposals and may be modified by the Board as a result of public comment or Board member input. Additional information about Board meeting procedures is included after the last agenda item.

INTRODUCTORY ITEMS

1. Roll Call

BOARD BUSINESS AND REPORTS

2. Board Member Communications

- a. Ex Parte Disclosure (Board Members will identify any discussions they may have had requiring disclosure pursuant to Government Code section 11430.40.)

CONTESTED ITEMS

Waste Discharge Requirements that Serve as an individual NPDES Permit Renewal

3. Continued consideration of tentative Waste Discharge Requirements for the Boeing Company Santa Susana Field Laboratory, Canoga Park, CA. NPDES No. CA0001309 (comment submittal deadline was January 18, 2022). [Duong Trinh, duong.trinh@waterboards.ca.gov]

Written comments on this item were due on January 18, 2022, per the Revised Notice of Opportunity for Public Comment and Notice of Public Hearing, issued January 5, 2022. **No new written comments on the Tentative Boeing SSFL Permit, or any revisions thereto, will be accepted. Additionally, members of the public (hereafter referred to as “interested persons”) and parties to this proceeding (as identified in the February 2, 2022 Order on Requests for Party Status, Procedural Matters, and Order of Proceedings), are expected to make their oral comments to the Board on the Tentative Boeing SSFL Permit at the February 10, 2022 Board Meeting.** Any additional oral comments on this item during the February 17, 2022 Board Meeting will be allowed only at the discretion of the Chair. An additional Order of Proceedings will issue prior to 9:00 a.m., February 17, 2022.

CLOSED SESSION¹

4. As authorized by Government Code section 11126, the Los Angeles Water Board will be meeting in closed session. Closed session items are not open to the public. Items the Board may discuss include the items below. [Tamarin Austin (TA) (916) 341-5161; Jennifer Fordyce (JF) (916) 324-6682; David Coupe (DC) (510) 622-2306; Sophie Froelich (SNF) (916) 319-8557; Adriana Nuñez (AN) (916) 322-3313]

Other matters

- a) Consultation with counsel about:
 - i. A matter which, based on existing facts and circumstances, presents significant exposure to litigation against the Los Angeles Water Board (Government Code section (Gov. Code, § 11126, subd. (e)(2)(B).); (TA/SF/AN) or
 - ii. A matter which, based on existing facts and circumstances, the Los Angeles Water Board is deciding whether to initiate litigation (Gov. Code, § 11126, subd. (e)(2)(C).) (TA/SF/AN)
 - iii. Consideration of the appointment, employment, or evaluation of performance about a public employee. (Gov Code § 11126, subd. (a).) (TA/SF/AN)
 - iv. To deliberate on a decision to be reached in a proceeding required to be conducted pursuant to Chapter 5 (commencing with Section 11500) or similar provisions of law. (Gov. Code § 11126, subd. (c)(3).) (TA/SF/AN)
5. **Adjournment of current meeting** (The next regular meeting of the Board will be held on March 10, 2022 beginning at 9:00 a.m.)

¹ At any time during open session, the Los Angeles Water Board may adjourn to closed session to discuss pending litigation or personnel matters.

NOTES ON AGENDA

Ex Parte Communications

An ex parte communication is a communication to a board member from any person, about a pending matter, that occurs in the absence of other parties and without notice and opportunity for them to respond. The California Government Code prohibits the board members from engaging in ex parte communications during permitting, enforcement, and other “quasi-adjudicatory” matters. Ex parte communications are allowed on pending general orders (such as general waste discharge requirements, general waivers, and general Clean Water Act section 401 water quality certifications) subject to the disclosure requirements of Water Code section 13287 (for further information and disclosure forms, please visit http://www.waterboards.ca.gov/losangeles/laws_regulations/). The Los Angeles Water Board discourages ex parte communications during rulemaking and other “quasi-legislative” proceedings. The ex parte rules are intended to provide fairness, and to ensure that the board’s decisions are transparent, based on the evidence in the administrative record, and that evidence is used only if stakeholders have had the opportunity to hear and respond to it. Ex parte rules do not prevent anyone from providing information to the water boards or requesting that the water boards take an action. They simply require that the information come into the record through proper channels during a duly noticed, public meeting. A board member who has engaged or been engaged in a prohibited ex parte communication will be required to publicly disclose the communication on the record and may be disqualified from participating in the proceeding. For more information, please look at the ex parte questions and answers document found at www.waterboards.ca.gov/laws_regulations/docs/exparte.pdf.

Procedures

The Los Angeles Water Board follows procedures established by the State Water Resources Control Board. These procedures are established in regulations commencing with section 647 of title 23 of the California Code of Regulations. The Chair may establish specific procedures for each item, and consistent with section 648, subdivision (d), of title 23 of the California Code of Regulations may waive non-statutory provisions of the regulations. Generally, all witnesses testifying before the Los Angeles Water Board must affirm the truth of their testimony and are subject to questioning by the Board Members. The Board does not, generally, require the designation of parties, the prior identification of witnesses, or the cross examination of witnesses. Generally, speakers are allowed three minutes for comments. Any requests for an alternate hearing process, such as requesting additional time to make a presentation, should be made to the Executive Officer in advance of the meeting, and under no circumstances later than 5:00 p.m. on the Thursday preceding the Board meeting. The provisions of this paragraph shall be deemed superseded to the extent that they are contradicted by a hearing notice specific to an agenda item.

Written Submissions

Written materials (whether hand-delivered, mailed, e-mailed, or facsimiled) ***must be received by the relevant deadline*** established in the agenda or public notice for an item. If the submitted material is more than 10 pages or contains foldouts, color graphics, maps,

or similar items, 12 copies must be submitted prior to the relevant deadline. Failure to comply with requirements for written submissions is grounds for the Chair to refuse to admit the proposed written comment or exhibit into evidence. (Cal. Code Regs., tit. 23, § 648.4, sub. (e).) The Chair may refuse to admit written testimony into evidence unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would otherwise create a hardship. In an adjudicatory matter, where there is a showing of prejudice to any party or the Board from admission of the written testimony, the Chair may refuse to admit it.

Administrative Record

Presentation materials used as part of testimony must be left with the Board. All Board files pertaining to the items on this Agenda are hereby made a part of the record submitted to the Los Angeles Water Board by staff for its consideration prior to action on the related items.

Accessibility

Individuals requiring special accommodations or language needs should contact Rosie Villar at (213) 576-6630 or Rosie.Villar@waterboards.ca.gov at least ten working days prior to the meeting. TTY/TDD Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Availability of Complete Agenda Package

A copy of the complete agenda package is available for examination electronically upon request, or by appointment at the Los Angeles Water Board Office during regular working hours (8:00 a.m. to 5:00 p.m. Monday through Friday) beginning 10 days before the Board meeting. Questions about specific items on the agenda should be directed to the staff person whose name is listed with the item.

Continuance of Items

The Board will endeavor to consider all matters listed on this agenda. However, time may not allow the Board to hear all matters listed. Matters not heard at this meeting may be carried over to the next Board meeting or to a future Board meeting. Parties will be notified in writing of the rescheduling of their item. Please contact the Los Angeles Water Board staff to find out about rescheduled items.

Challenging Los Angeles Water Board Actions

Pursuant to Water Code section 13320, any aggrieved person may file a petition to seek review by the State Water Resources Control Board of most actions taken by the Los Angeles Water Board. A petition must be received by State Water Resources Control Board, Office of Chief Counsel, Attention: Adrianna Crowl, 1001 I Street, 22nd Floor, Sacramento, CA, 95814, within 30 days of the action. Instructions for filing water quality petitions are located on the State Water Resources Control website at https://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.s.html